

SCOTTSDALE

CITY COUNCIL MEETING

SPECIAL MEETING NOTICE AND AGENDA



COUNCIL

Mary Manross, Mayor

Betty Drake

Wayne Ecton

W.J. "Jim" Lane

Robert W. Littlefield

Ron McCullagh

Tony Nelssen

Tuesday, November 14, 2006

4:00 P.M.

CITY COUNCIL SPECIAL MEETING

Call to Order

Roll Call

Boards, Commissions, and Task Force Nominations: (Note: Interviews and Appointments Scheduled for November 21, 2006)

How the Board and Commission Nomination Process Works: The Council will review applications submitted for the board and commission openings under consideration. From this applicant pool, the Council will select several nominees for further consideration. While welcome to attend, applicants will be contacted if nominated and do not need to be present at the meeting to be considered for nomination. Once the nominations have been made, the Council will take a short recess and reconvene at 5:00 p.m. to consider the remainder of the items on tonight's agenda.

Board of Adjustment (1)

Building Advisory Board of Appeals (1)

Environmental Quality Advisory Board (2)

Historic Preservation Commission (archaeologist;1)

Housing Board (2)

Neighborhood Enhancement Commission (1)

Planning Commission (1)

Scottsdale Pride Committee (1)

Tourism Development Commission (hotelier;1)

5:00 P.M.
CITY COUNCIL MEETING

Call to Order – City Hall Kiva Forum, 3939 N. Drinkwater Boulevard

Roll Call

Pledge of Allegiance

Invocation

Presentations/Information Updates

Approval of Minutes

SPECIAL MEETINGS

[October 3, 2006](#)

[October 16, 2006](#)

[October 17, 2006](#)

REGULAR MEETINGS

[October 3, 2006](#)

[October 17, 2006](#)

WORK STUDY SESSIONS

[October 10, 2006](#)

[October 24, 2006](#)

EXECUTIVE SESSIONS

Approval of Amended Minutes

Request: Approve the amended [September 19, 2006](#) Special Council Meeting Minutes previously adopted by the Council on October 17, 2006.

Public Comment

Citizens may complete one speaker/citizen comment card per night and submit it to the City Clerk before or during this evening's meeting. Please check the box that refers to "Public Comment." This "Public Comment" time is reserved for citizen comments regarding non-agendized items. No official Council action can be taken on these items.

CONSENT AGENDA **ITEMS 1-21**

How the Consent Agenda Works: The Council may take one vote to act on all items on the Consent Agenda, or may remove items for further discussion. Every interested citizen will have one opportunity to speak on any or all Consent Agenda items. If you wish to speak on these items, please complete a Comment Card for each topic you wish to address. **You will be given at least three minutes to speak on all the Consent Agenda items you wish to address. Additional time for multiple agenda items will be at the Mayor's discretion.**

After all speakers have finished, the City Council will decide which items to remove for additional discussion and/or presentation from staff. Items not removed from the Consent Agenda will be considered in one motion. Items removed for clarification or discussion by the Council will be acted on as appropriate.

1. [AOR Enterprises \(Wholesaler\) Liquor License](#)

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 4 (wholesaler) liquor license for a newly licensed location.

Location: 10456 N. 74th Street, Unit 106

Reference: 92-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

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2. Pars Persian Cuisine (Restaurant) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 11144 N. Frank Lloyd Wright Boulevard, Suite E9

Reference: 94-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

3. Mediterranean Grill (Restaurant) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor Licenses and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 7049 E. McDowell Road

Reference: 95-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

4. Mythos Greek Restaurant (Restaurant) Liquor License

Request: Consider forwarding a recommendation to the Arizona Department of Liquor License and Control for a series 12 (restaurant) liquor license for an existing location.

Location: 2515 N. Scottsdale Road, Suites 2, 3 and 4

Reference: 96-LL-2006

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Connie Padian, Customer Service Chief Officer, 480-312-2664, cpadian@scottsdaleaz.gov

5. Esperanza Final Plat

Request: Approve a final plat for 17 residential lots with amended development standards on an 80-acre parcel.

Location: Northeast corner of Jomax Road and N. 94th Street

Reference: 3-PP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

6. Windmill Ranch Final Plat

Request: Approve a final plat for an eight-lot single family residential subdivision development on a 19.62 acre parcel.

Location: 35935 N. Windmill Road

Reference: 4-PP-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

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7. Windmill Ranch Abandonment

Requests:

1. Abandon 10 feet of a 40-foot-wide roadway easement (Windmill Road), along the western property boundary of a previously approved preliminary plat (4-PP-2005).
2. Adopt Resolution No. 7054 vacating and abandoning public rights-of-way.

Reference: 17-AB-2005

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

8. DC Ranch Final Ordinance Adoption

Request: Adopt Ordinance No. 3706 affirming zoning classifications as approved in case 54-ZN-1989#2 as follows:

- DC Ranch Parcel T7, Open Space, Planned Community District (OS PCD) and Single Family Residential, Planned Community District (R1-10 PCD)
- DC Parcel T1, T5a/b, Multiple Family Residential, Planned Community District (R-5 PCD)
- DC Ranch Parcel, T5c, Single Family Residential, Planned Community District (R1-7 PCD)
- DC Ranch Parcel G6, Open Space, Planned Community District (OS PCD)
- DC Ranch Upper Canyon V, Single Family Residential, Planned Community District (R1-43 PCD and R1-10 PCD)
- DC Ranch Parcel 6.12, Single Family Residential, Planned Community District (R1-10 PCD)
- Silverleaf Golf Course, Resort/Townhouse Residential, Planned Community District (R-4R PCD) and Open Space, Planned Community District (OS PCD)

Related Policies, References: 54-ZN-1989#2, #4, #5

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

9. Windgate Ranch Final Ordinance Adoption

Request: Adopt Ordinance No. 3705 affirming zoning classifications as approved in case 24-ZN-1991 as follows:

- Parcels I, K and L, Single Family Residential, Environmentally Sensitive Lands District (R1-7 ESL)
- Parcel J, Single Family Residential, Environmentally Sensitive Lands District (R1-10 ESL)
- Parcel M, Single Family Residential, Environmentally Sensitive Lands District (R1-5 ESL)

Related Policies, References:

- 24-ZN-1991#1A
- Rezoning of the property 24-ZN-1991
- Infrastructure and Environmental Design Master Plans 1-MP-2004
- Development Agreement No. 2004-026-COS, amended
- Preliminary Plat approval 9-PP-2004
- Phase 1A Final Plat Approval 9-PP-2004#1A
- Phase 1B Final Plat Approval 9-PP-2004#1B
- Phase 1C Final Plat Approval 9-PP-2004#1C
- Phase 2A Final Plat Approval 9-PP-2004#2A

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

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10. **Wireless Telecommunications Network Assessment for Municipal Use**
Request: Adopt Resolution No. 7017 authorizing the Mayor to execute Contract No. 2006-174-COS between the City of Scottsdale and EMA, Inc., in the amount of \$170,000 to complete a Wireless Telecommunications Network Assessment for Municipal Use.
Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov
11. **Professional Services Contract for Utility Mapping System**
Request: Adopt Resolution No. 6988 approving Contract No. 2006-147-COS with Woolpert, Inc., in the amount of \$354,800 for services and software products related to a utility mapping system for the City's Geographic Information System.
Staff Contact(s): Brad Hartig, Chief Information Officer, 480-312-7615, bhartig@scottsdaleaz.gov
12. **Engineering Services Contract for Compliance with National Pollutant Discharge Elimination System Federal Requirements**
Request: Adopt Resolution No. 7057 authorizing Engineering Services Contract No. 2006-112-COS with Engineering and Environmental Consultants, Inc., for an amount not to exceed \$181,643 to assist staff in meeting the requirements of the National Pollutant Discharge Elimination System portion of the Federal Water Pollution Control Act, 33 U.S.C. 1251 et seq., as amended.
Related Policies, References: FY 2006/07 Capital Improvement Plan
Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov; Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
13. **Design Phase Services Contract for Arizona Canal Phase 3: Northbank**
Request: Adopt Resolution No. 7056 authorizing Construction Phase Services CM@Risk Contract No. 2006-176-COS in the amount of \$1,652,000 to OWR Construction, Inc., for the Arizona Canal Banks Phase 3: Northbank Project.
Related Policies, References:
 - March 2001, the Scottsdale Downtown Task Force recommended that the City "create a pedestrian attraction along the Arizona Canal" between Goldwater Boulevard and Scottsdale Road.
 - January 7, 2002, Council approved design services contract for the portion of Arizona Canal from Scottsdale Road to Goldwater Boulevard.
 - December 8, 2003, Council awarded a construction contract to Archon, Inc., for Arizona Canal Phase 1, which included the Marshall Way pedestrian and transit bridge and connections.
 - May 17, 2004, Council entered into a development agreement with Stetson Canal, LLC, for a new mixed-use commercial project and public parking at Stetson Drive and Sixth Avenue, and modified the construction contract to add construction of the portion of the public parking garage below Marshall Way.
 - April 5, 2005, Council approved a design services contract to prepare construction documents for Stetson Streetscape and Arizona Canal Phase 2: Southbank.
 - January 11, 2005, Council awarded a construction contract to Achen Gardner Engineering to relocate utilities along Stetson Drive.
 - June 16, 2006, Council approved a CM@Risk design services contract to O'Neil Construction for Arizona Canal Phase 2: Southbank.
 - August 28, 2006, Council awarded a CM@Risk construction services contract for Marshall Way Plaza.
 - October 3, 2006, Council awarded a CM@Risk design services contract for Arizona Canal: Northbank.**Staff Contact(s):** Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov; Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov

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14. **Feasibility Study to Underground Power Lines Along the Cross Cut Canal**
Request: Adopt Resolution No. 6976 authorizing the City to enter into Services Contract No. 2006-139-COS with Salt River Project in the amount of \$100,000 for a study to determine the feasibility of undergrounding all of the overhead electrical power lines on the Cross Cut Canal from Indian School Road to McDowell Road.
Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov; Dan Worth, Municipal Services General Manager, 480-312-2776, dworth@scottsdaleaz.gov
15. **City Council Subcommittee on Regional Aviation Issues**
Request: Disband the City Council Subcommittee on Regional Aviation Issues.
Related Policies, References: Scottsdale Revised Code Sec. 2-23, Committees
Staff Contact(s): Brent Stockwell, Assistant to Mayor/Council, 480-312-7288, bstockwell@scottsdaleaz.gov
16. **Legal Services Contract Relating to Employee Benefits and Taxation Issues**
Request: Adopt Resolution No. 7044, approving Contract No. 2006-185-COS with attorney Charles W. Whetstone to provide legal services, on an as-needed basis, in respect to benefit plans, including the Cafeteria Plan and flexible spending accounts, and in respect to employee tax issues.
Related Policies, References: Scottsdale Revised Code § 2-192 – Selection Procedures for Professional Services
Staff Contact(s): Deborah Robberson, City Attorney, 480-312-7794, drobberson@scottsdaleaz.gov
17. **Legal Services Contract for Independent Counsel for Scottsdale Public Safety Personnel Retirement System**
Request: Adopt Resolution No. 7045, approving Contract No. 2006-186-COS with the law firm of Carson, Messinger, Elliott, Laughlin & Ragan, P.L.L.C., to serve as independent local legal counsel to provide legal advice, on an as-needed basis, to the Scottsdale Public Safety Personnel Retirement System local boards for the police and fire departments.
Related Policies, References: Arizona Revised Statutes Sections 38-841 et seq.; Scottsdale Revised Code § 2-192 – Selection Procedures for Professional Services
Staff Contact(s): Deborah Robberson, City Attorney, 480-312-7794, drobberson@scottsdaleaz.gov
18. **Legal Services Contract Renewal with Ayers & Brown, P.C.**
Request: Adopt Resolution No. 7071 authorizing the Mayor to execute Contract No. 2004-035-COS-A3, an outside counsel contract for legal fees, for a maximum amount of \$350,000; and Contract No. 2006-109-COS-A1, an outside counsel contract for costs, for a maximum amount of \$250,000, with the law firm of Ayers & Brown, P.C., for legal services and costs regarding representation of the City of Scottsdale in *City of Scottsdale v. Edmunds-Toll Construction Company, et al.*, CV2004-001025, a condemnation action brought to acquire property for the McDowell Sonoran Preserve gateway.
Related Policies, References: Resolution Nos. 6484, 6900
Staff Contact(s): Deborah Robberson, City Attorney, 480-312-7794, drobberson@scottsdaleaz.gov

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19. Reimbursement of Excess Casualty Insurance Premiums

Request: Adopt Resolution No. 7058 authorizing the Risk Management Director to execute General Release documents related to a complaint entitled *The People of the State of New York v. American International Group, Inc., Maurice R. Greenberg and Howard I. Smith*, Index No. 401720/2005, brought by the New York Attorney General and others, and actions entitled *In re: Insurance Brokerage Antitrust Litigation*, MDL No. 1663, *In re: Insurance Brokerage Antitrust Litigation*, Civ. No. 04-5184 (FSH) and *In re Employee Benefit Insurance Brokerage Antitrust Litigation*, Civ. No. 05-1079 (FSH), pending in the United States District Court for the District of New Jersey, against excess casualty insurers AIG and ACE, thereby entitling the City to reimbursement of \$157,079.75, plus accrued interest, for certain insurance premiums paid between 2000 and 2004.

Staff Contact(s): Pauline Hecker, Risk Management Director, 480-312-7841, phecker@scottsdaleaz.gov; John L. Belatti, Assistant City Attorney, 480-312-7964, jbelatti@scottsdaleaz.gov

20. Proposed Changes to the City Privilege/Use Tax Code

Request: Adopt Resolution No. 7064 and Ordinance No. 3692 to amend the City Tax Code, Appendix C of the Scottsdale Revised Code, to implement State mandated changes to Sections 415, 416, and 417 (exempts development/impact fees from privilege tax); changes to Section 415 (exemption of gross income received from a contract for constructing any lake facility development in a commercial enhancement reuse district); changes to Section 410 (exempts from privilege tax the portion of State Fair amusement ride ticket sales that are retained by the State Fair Board); changes to Sections 100, 410, 444, 447, 470, 475, Regulation 310.3 and repealing Regulation 447.1 (to clarify tax treatment of hotel income and generally match the State's tax imposition on hotels); and changes to Sections 266, 450, 455, 465, and 660 (technical changes to the Code to correct State statutory references that have changed or to eliminate references to statutes that no longer exist and correct inconsistent structure with the Model City Tax Code).

Related Policies, References: The proposed changes will amend Sections 100, 266, 410, 415, 416, 417, 444, 447, 450, 455, 465, 470, 475, 660, Regulation 310.3 and repeal Regulation 447.1 of Appendix "C" of the Scottsdale Revised Code to reflect the proposed changes.

Staff Contact(s): Deborah Robberson, City Attorney, 480-312-2405, drobberson@scottsdaleaz.gov; Craig Clifford, Chief Financial Officer, 480-312-2364, cclifford@scottsdaleaz.gov

Regular Agenda begins on the following page

How the Regular Agenda Works: The Council takes a separate action on each item on the Regular Agenda. If you wish to address the Council regarding any or all of the items on the Regular Agenda, please complete a Comment Card for each topic you wish to address and submit it to the City Clerk. **You will be given at least three minutes to speak per item. Comment cards must be submitted before public testimony has begun on any regular agenda or public hearing item.**

21. One Scottsdale

Requests:

1. Approve a modification to the amended development standards for case 20-ZN-2002 including, but not limited to, height, and an amendment to the Development Agreement for 20-ZN-2002 on 120± acres located at the northeast corner of Scottsdale Road and Loop 101 with Planned Community District, Planned Regional Center (PCD PRC) zoning based upon the findings contained herein.
2. Adopt Ordinance No. 3704 affirming the amended development standards.
3. Adopt Resolution No. 7052 authorizing the Mayor to execute Amended Development Agreement No. 2002-142-COS-A1.

Related Policies, References:

- 20-ZN-2002#2
- 20-ZN-2002, Stacked 40s
- Regional Use Overlay on the General Plan

Staff Contact(s): Frank Gray, Planning and Development Services General Manager, 480-312-2890, fgray@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov

Mayor and Council Item**22. Citizens' Bond Review Commission**

Request: Provide direction related to citizen oversight of the Bond 2000 Program. Per Scottsdale City Code Section 2-290, the current Commission's six-year term expires on December 31, 2006.

Related Policies, References:

- Ordinance No. 3322, Council adopted May 1, 2000, establishing the Citizens' Bond Review Commission for Bond 2000.
- Scottsdale Revised Code, Section 2-290 through Section 2-293, outlines the terms and duties of the Scottsdale Citizen's Bond Review Commission.
- City of Scottsdale Charter, Article 5, Section 1, "Appointive Boards and Commissions."

Staff Contact(s): Roger Klingler, Assistant City Manager, 480-312-5830, rklingler@scottsdaleaz.gov

Public Comment

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City Manager's Report**Mayor and Council Items****Adjournment**